

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE**

TOBY BURRIS, <i>et al.</i> ,	)	
	)	
<i>Plaintiffs</i> ,	)	Case No. 2:20-cv-158
	)	
v.	)	Judge Atchley
	)	
CHARTER FOODS, INC., <i>et al.</i> ,	)	Magistrate Judge Wyrick
	)	
<i>Defendants.</i>	)	

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**ORDER**

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On March 23, 2022, United States Magistrate Judge Cynthia Wyrick filed a Report and Recommendation [Doc. 82] pursuant to 28 U.S.C. § 636 and the standing orders of this Court. Magistrate Judge Wyrick recommends that Plaintiffs’ Motion for Conditional Collective Action Certification [Doc. 47] be denied. [Doc. 82 at 21]. Specifically, Magistrate Judge Wyrick concluded that Plaintiffs failed to demonstrate that Defendants utilized an FLSA-violating policy; and thus, Plaintiffs necessarily failed to show that they and members of the proposed collective are similarly situated. [*Id.* at 16-21].

The parties have not filed any objections to the Report and Recommendation and the time to do so has passed.<sup>1</sup> Nevertheless, the Court has reviewed the Report and Recommendation, as well as the record in this case, and agrees with Magistrate Judge Wyrick’s well-reasoned conclusions.

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<sup>1</sup> Magistrate Judge Wyrick advised that the parties had fourteen (14) days in which to object to the Report and Recommendation and that failure to file objections within the time specified would waive any right to appeal. [Doc. 82 at 21, n.7]; *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148-51 (1985) (“It does not appear that Congress intended to require district court review of a magistrate judge’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).

Accordingly, the Court **ACCEPTS** and **ADOPTS** the findings of fact and conclusions of law set forth in the Report and Recommendation [Doc. 82]. It is hereby **ORDERED** that Plaintiffs' Motion for Conditional Collective Action Certification [Doc. 47] is **DENIED**.

**SO ORDERED.**

/s/ Charles E. Atchley Jr.

**CHARLES E. ATCHLEY JR.**

**UNITED STATES DISTRICT JUDGE**